

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ENIO ZARAGOZA SANTA CRUZ,

Petitioner,

v.

WARDEN F.C.I. HERLONG,

Respondent.

No. 2:23-cv-0940-CKD P

ORDER

Petitioner, a federal prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 together with a request to proceed in forma pauperis. Good cause appearing, the request to proceed in forma pauperis will be granted.

In his petition, petitioner asks the court to order the Bureau of Prisons to apply time credits earned pursuant to the First Step Act to his August 21, 2025, release date. However, the petition does not identify any specific time credits which the BOP has failed to credit. Therefore, petitioner's § 2241 petition must be dismissed. Petitioner will be granted leave to amend within 30 days from the date of this order. In the amended petition, petitioner must identify the time credits he has been unlawfully denied and indicate how that affects his date of release. If petitioner fails to do this in the amended petition, the court will recommend that this action be dismissed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's application to proceed in forma pauperis (ECF No. 5) is granted.
2. Petitioner's application for a writ of habeas corpus (ECF No. 1) is summarily dismissed with leave to amend.
3. Within 30 days from the date of this order, petitioner may file a first amended § 2241 petition containing all of his claims for relief including any relevant attachments.
4. The failure to file an amended petition within the time provided shall result in a recommendation that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Dated: August 18, 2023


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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